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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,818	10/27/2003	Yu-Sheng Yao	BHT-3111-370	9670

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2628

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/692,818	YAO, YU-SHENG	
	Examiner	Art Unit	
	Mike Rahmjoo	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 and 12-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per applicant's amendments, applicant recites "...the original facial image is a real human facial image...". Said limitation is not found throughout the specification. Facial image is introduced through the disclosure. Examiner fails to see any correlation between said features "facial image" and "real human" due to the fact that a facial drawing constitutes a facial image as well.

As per applicant's amendments, applicant recites "...desired facial characteristics...". Said limitation is not found throughout the specification. Facial image is introduced through the disclosure; however, a desired facial is not described in the specification in such a manner as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 and 12-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1 line 16 recites "...as a new template...". It is not clear that the "selective adjustment" on line 18 is performed using the "new template" which is stored in the database or "the template selection unit".

As per claim 1 line 19 recites "...the template selection unit and the manual adjustment unit...". it is not clear if "the template selection unit" or "the manual adjustment unit" or both are used due to the fact that a selection is made from said two units.

As per claim 1 line 21 recites "...the template selection units for automatic selection and the manual adjustment unit...". it is not clear if "the template selection unit" or "the manual adjustment unit" or both are used due to the fact that one is utilized.

As per claim 1 line 15 recites "a manual adjusting unit..." and later line 21 recites "...automatic selection and manual adjusting...". It is not made clear how an operation which is initially manual and later manual as well as automatic.

As per claim 1 line 19 applicant recites "...and the manual adjusting unit each of the plurality of face adjusting templates...". Examiner fails to make a clear and concise sense of what applicant is claiming.

As per claim 1 line 19 recites "...from a group consisting of...". It is unclear what the different units or elements of the group are. Examiner fails to distinguish between the groupings as claimed by applicant.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 2- 10 and 12- 18 are indefinite because they depend on indefinite antecedent claims.

Claim 19 has similar rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 8 and 12- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobo et al (US Patent 5,835,616), hereinafter, Lobo in view of Giacchetti (US PAP 2003/0065589).

As per claims 1 and 19 and as to the broadest reasonable interpretation by examiner and as best understood, Lobo teaches an image-reading unit reading and loading an original facial image see for example figures 3 and 6- 10 and column 2 lines 33- 37 for the finding (loading) a human face taken by a video camera; a feature detection unit recognizing (see for example figure 3) and positioning facial characteristics of the original facial image see for example column 4 lines 50- 67 for the detection of snakelets as facial characteristics of the facial image; a face- adjusting template database storing a

plurality of face-adjusting templates that are preset, wherein each of the plurality of face-adjusting templates further comprises different face adjustment parameters that are preset see for example column 9 lines 55- 58 for using the parameters from the refined oval (or the initial oval), both the left and the right iris centers of the template are placed near the respective irises in the image; a template selection unit selecting a preset face- adjusting template having desired facial characteristics from the face- adjusting template database and applying the preset face-adjusting template to the original facial image and modifying the facial characteristic of the original facial image see for example column 9 lines 55- 58 for using the parameters (selecting parameters) from the refined oval (or the initial oval), both the left and the right iris centers of the template are placed near the respective irises in the image corresponding to selective adjustment using one of the template selection unit.

However, Lobo does not a manual adjusting unit adjusting the facial characteristics of the original facial image manually, the manual adjusting unit recording a parameterized processing procedure as a new template, the new template is stored in the face- adjusting template database wherein the real human facial image obtained by the image reading unit is selectively adjusted using a unit selected from a group consisting of the template selection unit and the manual adjusting unit each of the plurality of face adjusting templates are selectable for reuse utilizing one of the template selection units for an automatic selection and the manual adjusting unit for a manual selection, the plurality of face adjusting templates are used to adjust the real human facial image obtained by the image reading unit.

Giacchetti teaches a manual adjusting unit adjusting the facial characteristics of the original facial image manually, the manual adjusting unit

recording a parameterized processing procedure as a new template, the new template is stored in the face- adjusting template database wherein the real human facial image obtained by the image reading unit is selectively adjusted using a unit selected from a group consisting of the template selection unit and the manual adjusting unit each of the plurality of face adjusting templates are selectable for reuse utilizing one of the template selection units for an automatic selection and the manual adjusting unit for a manual selection, the plurality of face adjusting templates are used to adjust the real human facial image obtained by the image reading unit see for example page 4 paragraph [0055] for an individual performing construction on a facial image by utilizing a user interface.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Giacchetti into Lobo for enabling the individual to simulate use of the selected aesthetic feature on the simulated facial image and to view on the display device an alteration of the simulated facial image having the simulated aesthetic feature and therefore expedite the process of any kind of desirable user adjustment which makes it user friendly and efficient see for example page 1 paragraph [0009].

As per claim 2 Lobo teaches the facial characteristics of the facial i mage comprises the characteristic of relative position and proportion of facial features of the facial image see for example figures 6- 9.

As per claim 3 Lobo teaches the facial characteristics of the facial image comprises the characteristic of skin texture see for example column 25 lines 27- 35 and column 4 lines 33- 36 for wrinkles and snakelets.

As per claims 4 and 12 Lobo teaches the preset face adjustment parameters compromise a facial expression parameter of the facial image see for example column 21 lines 5- 6 and figures 10- 19.

As per claims 5 and 13 Lobo teaches the preset face adjustment parameters compromise a proportion parameter of facial feature of the facial image see for example figures 6- 19 and the ratios.

As per claims 6 and 14 Lobo teaches the preset face adjustment parameters compromise a skin texture parameter see for example column 25 lines 27- 35 for skin color or facial scars and column 4 lines 33- 36 for the curves and wrinkles.

As per claims 7 and 15 Giacchetti teaches the preset face adjustment parameters compromise a skin parameter of brightness-and-contrast see for example page 4 paragraphs [0057- 0058] for the skin color and tone.

As per claims 8 and 16 Giacchetti teaches the preset face adjustment parameters compromise a tint parameter of skin color see for example page 4 paragraph [0064] for the skin color and tone.

Claims 9-10 and 17- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobo in view of Tian et al (US PAP 2003/0133599), hereinafter, Tian.

As per claims 9- 10 and 17- 18 Lobo does not teaches the preset face-adjusting template is a template having an assortment of dynamic series of facial expression variations and animated comic effect.

However, the background of the prior art of Tian teaches the preset face-adjusting template is a template having an assortment of dynamic series of facial expression variations and an animated comic effect (happy, 330) see for example figure 3b.

It would have been made obvious to one of ordinary skilled in the art at the time

the invention was made to incorporate the teachings of Tian into Lobo to further include variations of expressions and animations so as to automatically label facial expressions thereby facilitating retrieval based on facial expressions and make the device user friendly see for example page 4 paragraph [0055].

Response to Arguments

Applicant's arguments filed 05/30/2006 have been fully considered but they are not persuasive.

As per applicant's remarks on page 9 and in response to the 112 rejections, examiner respectfully requests addressing the rejections as pertaining to specific portions from the specification. Said portions from the specification do not clearly overcome the 112 rejections.

As per applicant's remarks on pages 10- 13, applicant recites limitations of claims 1 and 9 as not being present in Lobo and or Giacchetti.

In response examine would point out to Lobo as teaching "an image-reading unit reading and loading an original facial image see for example figures 3 and 6- 10 and column 2 lines 33- 37 for the finding (loading) a human face taken by a video camera; a feature detection unit recognizing (see for example figure 3) and positioning facial characteristics of the original facial image see for example column 4 lines 50- 67 for the detection of snakelets as facial characteristics of the facial image; a face- adjusting template database storing a plurality of face-adjusting templates that are preset, wherein each of the plurality of face-adjusting templates further comprises different face adjustment parameters that are preset see for example column 9 lines 55- 58 for using the parameters from the refined oval (or the initial oval), both the left and the right iris centers of the template are placed near the respective irises in the image; a template selection unit selecting a

preset face- adjusting template having desired facial characteristics from the face- adjusting template database and applying the preset face-adjusting template to the original facial image and modifying the facial characteristic of the original facial image see for example column 9 lines 55- 58 for using the parameters (selecting parameters) from the refined oval (or the initial oval), both the left and the right iris centers of the template are placed near the respective irises in the image corresponding to selective adjustment using one of the template selection unit” and Giacchetti as teaching “a manual adjusting unit adjusting the facial characteristics of the original facial image manually, the manual adjusting unit recording a parameterized processing procedure as a new template, the new template is stored in the face- adjusting template database wherein the real human facial image obtained by the image reading unit is selectively adjusted using a unit selected from a group consisting of the template selection unit and the manual adjusting unit each of the plurality of face adjusting templates are selectable for reuse utilizing one of the template selection units for an automatic selection and the manual adjusting unit for a manual selection, the plurality of face adjusting templates are used to adjust the real human facial image obtained by the image reading unit see for example page 4 paragraph [0055] for an individual performing construction on a facial image by utilizing a user interface.

As per applicant's remarks on page 10, applicant argues “Tian et al do not teach anything about animation of the facial expression images” and that they do not suggest “animation”.

In response examiner would point out to the dictionary meaning for animation in Merriam Webster's Colligate Dictionary, 10th edition which recites “to give life to; to give vigor and zest

to". As per said interpretation as provided herewith, Tian et al clearly teaches animation by any of cited expressions in paragraph [0083].

As per applicant's remarks on page 11, applicant argues "...Tian et al do not suggest an image adjusting method for adjusting a facial image in which the original human facial image obtained by the image reading unit...".

Examiner points out to the amendments made which invalidate said arguments.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

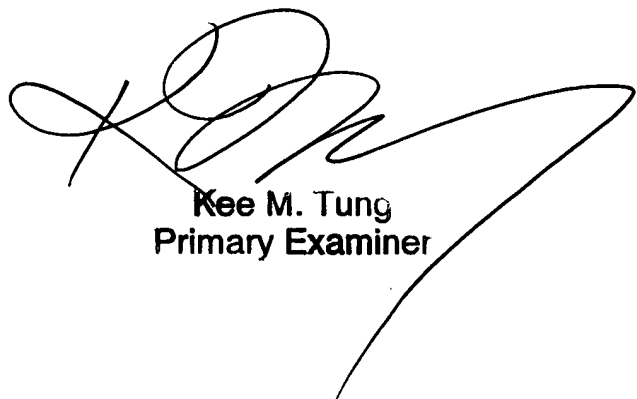
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272- 7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number for the organization where this application or proceeding is assigned is (703) 872- 9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308- 4357.

Mike Rahmjoo

June 7, 2006



Kee M. Tung
Primary Examiner